

REMARKS

Applicant hereby claims the benefit under 35 USC 120 of prior PCT application PCT/GB00/01001, filed March 17, 2000. An appropriate amendment has been made to include this claim in the first sentence of the specification. See MPEP §1895. Applicant also reiterates its claim, under 35 USC 119, to the benefit of the priority of Great Britain Application No. 9906066.7, filed March 18, 1999. This priority claim was first made in the parent PCT/GB00/01001 application.

The Examiner's action and the rejections set forth therein have been very carefully considered and the application has been amended accordingly. Specifically, the specification has been amended to state that this application is a continuation of PCT/GB00/01001 and to claim its benefit under 35 USC 120. In addition, the language in claim one "the or each arm" and "the arrangement being such that" has been deleted. Also, reference to the fulcrum in claim 20 has been deleted. Likewise, the language in claim 22 "the arrangement . . . such that" has been deleted. Claim 1 has been amended to include the limitations of original claim 2 therein and claim 2 has been canceled. The language of claim 20 has been clarified to conform to the specification, the spelling of "centre" and "releaser" has been corrected and numerous minor editorial changes have been made to the claims. In view of the foregoing amendments to the claims, the rejection of claims 1 and 3-23 under 35 USC 112, second paragraph has been overcome and should be withdrawn.

Claims 1-23 stand rejected under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Fraser et al (5,788,068), Furutsu (6,041,923) and Belden Jr. (6,196,384).

With respect to Fraser et al, the Examiner states that it discloses first and second pivot means in the areas of 19 and 21, respectively, in Figure 10. The rejections over Fraser et al are respectfully traversed. Applicant agrees that a first hinge means could be in the area of 19, specifically at the underside of the arm at 19. More accurately stated, referring to Figure 6 and Figure 8, the first hinge means could be at a distance "y" from the center. However, applicant respectfully disagrees that a second hinge means can be found at 21. Referring to Figures 6 and

7, it can be seen that the hinge at 21 is a living hinge interconnectinig the two substantially semi-circular segments 20. It is clearly not along the arms 15 as is required by the language of the claims. Accordingly, Fraser et al does not anticipate the claims within the meaning of 35 USC 102(b). Moreover, there is no teaching or suggestion in Fraser et al that a second pivot means could be advantageously located along the arms 15. Accordingly, one skilled in the art would not be led by anything in Fraser et al to a configuration where there are two pivot means along each of the arms 15. The claims are, therefore, not unpatentable under 35 USC 103(a) over Fraser et al.

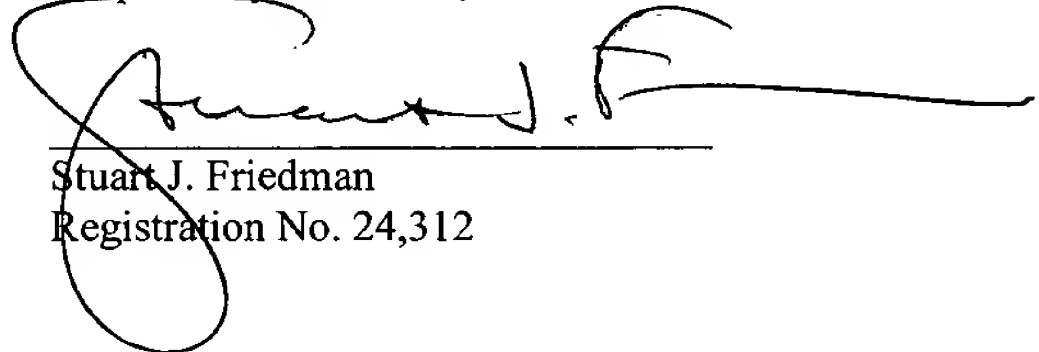
With respect to the rejections over Furutsu, the Examiner states that Furutsu teaches a radial arm having a first pivot means on the far left of the Figure 3 and a second pivot means at B thereof. This ground of rejection is respectfully traversed. Applicant believes that the Examiner misreads this reference. Figure 3 illustrates a CD ejector device and not a CD retention device. The CD retention device of Furutsu is engagement portion 3, illustrated in Figure 5. Ejector device 10 fits into hole 4a in the engagement portion 3. It plays no role in retaining a CD on the base but, rather, is only used to eject the CD using the distal end portions of the push plates 12 as they rise in response to depression of the push member 11. Thus, Furutsu does not teach or suggest at least one radial arm cantilevered from the base portion having disk-engaging means at the inner end thereof or at least one radial arm having first and second pivot means therealong. Indeed the portions referred to by the Examiner in Figure 3 on the far left of the figure and at B are on the ejector device, not the retention device, and are on separate “arms” 13 and 12 of the ejector device. For these reasons, it should be clear that Furutsu neither anticipates nor renders obvious the claimed invention under 35 USC 102 and 103, respectively.

Turning to Belden, Jr., there is disclosed a storage container for mounting a CD having arms 70 extending upwardly from the base and a number of hinges along the arms for pivoting the disc retention means 110 out of retaining contact with the CD. However, each of Belden Jr.’s hinges, 86, 92, 102, 124 and 128 comprise reduced thickness areas. None comprise a projection on the underside of the arms as is set forth in claim 1. Accordingly, Belden, Jr. does not anticipate claim 1 or any of the claims dependent therefrom. Moreover, Belden, Jr. does not

suggest that a pivot means for bending an arm might comprise a projection. To the contrary, each of Belden, Jr.'s hinges are narrowed areas. Therefore, one skilled in the art would not learn from Belden, Jr. that a pivot means on an arm should comprise a projection rather than a narrowing. Accordingly, Belden, Jr. does not render obvious applicant's claim 1 or any of its dependent claims. With respect to applicant's claim 20 and the claims dependent thereon, neither Belden, Jr. nor any of the cited references teach apparatus for holding a CD where, upon further depression of the disk engaging means following release of the CD retention, the base portion flexes and its outer portions are raised relative to its central area to assist in lifting the disk away from the disk engaging means. In addition, none of the cited references teach apparatus for holding a CD which has a thickness of 4 mm or less by virtue of including first and second pivot means in the cantilevered arms. Accordingly, claim 20 and its dependent claims are neither anticipated nor rendered unpatentable under 35 USC 102 or 103, respectively, by the teachings of any of the cited references.

In view of the foregoing, it is respectfully submitted that claims 1 and 3-23 are now in condition for allowance. Accordingly, an early Notice of Allowance directed to these claims is courteously solicited.

Respectfully submitted,



Stuart J. Friedman
Registration No. 24,312

NIXON PEABODY LLP
401 9th Street, N.W.
Washington, DC 20004
Telephone: (202) 585-8000
Facsimile: (202) 585-8080